

REMARKS

This amendment is responsive to the Office Action dated June 4, 2003 pursuant to which claims 1, 4-7 and 10 stand rejected under 35 USC 102(e); claims 8 and 9 stand rejected under 35 USC 103(a); and claims 2 and 3 are objected to.

Per this amendment, claim 1 has been modified to more succinctly define applicant's invention and new claim 11 has been added. New claim 11 is a composite of currently amended claim 1 and original claims 2 and 3 and is submitted to be covered by the initial filing fee. The remaining claims; i.e., claims 2-10 remain as originally presented.

Regarding the patentability of the claims under 35 USC 103(a), it should be noted that applicant is the sole named inventor of the claimed invention so that all claims recited are those of the applicant.

US Patent 6,522,772 B1 to Morrison, et.al. has been relied upon to support the 35 USC 102(e) rejection of claims 1, 4-7 and 10.

It is respectfully submitted that this rejection is not tenable and its reconsideration is respectfully solicited.

The Morrison, et.al. patent discloses a self-service check out terminal for use by a user/customer at a retail business such as a grocery store. The main components that make up the terminal include a biometric sensor to detect a characteristic of a user/customer; a memory device containing a plurality of instructions; and, a scanner for reading bar codes (Col. 2, l. 28 - Col. 3, l. 18).

Additional components of the terminal include means for weighing items to be purchased; a bar code that identifies the items being purchased; a scanner (e.g., an ATM) to read user/customer identification cards (e.g., credit cards, debit cards, "loyalty" cards, "smart" cards, and the like); bag wells to accommodate bags of groceries; means to determine the weight(s) of grocery items; means to determine the price(s) of grocery items; means to notify store personnel when intervention is needed; and, means to prevent a user/customer from purchasing a restricted item (Col. 4, l. 1 - Col. 6, l. 30).

Nowhere does the Morrison, et.al. patent suggest, much less disclose, that the user/customer have access to a cash register for any reason.

Applicant's claimed invention, on the other hand, is directed toward permitting only authorized persons to have access to a cash register. Moreover, applicant's claimed invention determines whether an authorized person has limited or unlimited access to the various functions of a cash register. The applicant's system permits only authorized personnel to have access to each

cash register in a multi-cash register system and automatically excludes unauthorized personnel from having such access.

Although some components that make up applicant's system are similar to those that make up the Morrison, et. al. al. system (e.g., a biometric identifier; a comparator that verifies the reading from the biometric reader; a bar code scanner/reader to identify merchandise being purchased; and, a reader to read checks and/or credit cards), applicant's components are assembled in an entirely different manner to perform an entirely different function than those in the Morrison, et.al. system.

US Patent 5,687,322 to Deaton, et.al has been cited to support the 35 USC 103(a) rejection of claims 8 and 9.

This rejection is also respectfully traversed and its reconsideration is respectfully solicited.

The Deaton, Et.al. patent has been relied upon for its disclosure of a point-of-sale cash register that has a check reader acceptor to accept checks as a form of payment.

Applicant makes no claims to a cash register *per se*. Indeed, applicant identifies a commercial cash register that can be used in the claimed system (see, for example, specification, page 13, last paragraph, lines 4 - 6). Thus, the functions recited in claims 8 and 9 would be available in a commercially available cash register and are recited in these claims as additional functions that can be performed in applicant's claimed system.

In view of the present amendment and in light of the foregoing remarks, it is respectfully submitted that applicant's claimed invention is completely different from those disclosed in the cited and applied references and that applicant's claims recite patentable invention. It is further respectfully submitted that with a finding of allowability of applicant's independent claim 1 that dependent claims 4 - 10 should also be found allowable as they set forth further embodiments of applicant's invention and further narrow the scope of independent claim 1. Since new claim 11 embodies claims 1, 2 and 3, it should also be found allowable.

Favorable reconsideration of this case and passing the claims herein to an early issue are respectfully solicited.

CONCLUSION

We have enclosed a check for \$210.00 for a two (2) month extension.

Please charge any additional fees to Deposit Account No. 06-0515.

Respectfully submitted,

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